



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | DELAWARE REAL ESTATE COMMISSION |
| MEETING DATE AND TIME: | Thursday, June 10, 2010 at 9:00 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building |
| MINUTES APPROVED: | July 8, 2010 |

MEMBERS PRESENT

Ricky H. Allamong, Professional Member, Chairman
Vincent M. White, Professional Member, Vice-Chairman
Andrew Staton, Professional Member, Secretary
Gilbert Emory, Public Member
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member
Christopher J. Whitfield, Professional Member
Richard Brogan, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Kay Warren, Deputy Director, Division of Professional Regulation
Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBER ABSENT

Denise R. Stokes, Public Member

ALSO PRESENT

Sandy Fader, KCAR
Larry Tims
Crystal Hudson, SCAOR
Andy Taylor
David Solan

CALL TO ORDER

Mr. Allamong called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

A motion was made by Mr. White, seconded by Ms. O'Brien to approve the minutes of the meeting held on May 13, 2010. The motion passed unanimously.

HEARINGS

Case 02-25-08 Against Anna Brunswick

This hearing was continued. It will be rescheduled for the August meeting.

Case 02-45-08 Against Marcia Brunswick

This hearing was continued. It will be rescheduled for the August meeting.

NEW BUSINESS

Applications for Licensure

A motion was made by Mr. Brannon, seconded by Mr. Emory to ratify the following new salesperson applicants as presented:

Nancy Dellavecchio, Long & Foster Real Estate, Inc., Rehoboth Beach, DE
Maria Glover, Keller Williams Realty, Christiana, DE
Diane Holtan, Long & Foster Real Estate, Inc., Elkton, MD
Emily Jensen, Coldwell Banker Preferred, Wilmington, DE
Thomas Yetter, Jr., Century 21 Gold Key Realty, Newark, DE
Kathleen Barlow, Patterson-Schwartz, Greenville, DE
Joseph Walters, Patterson-Schwartz, Hockessin, DE
Gabrielle Wilson, Emory Hill Residential, New Castle, DE
Carol Mongan, Prudential Fox & Roach, Hockessin, DE
Evelyn Ceruti, Millman Realty LLC, Wilmington, DE
Jonathan Anson, Millman Realty LLC, Wilmington, DE
Jeff Butler, Weichert Realtors, Wilmington, DE
Linda Price, Patterson-Schwartz, Greenville, DE
Walter Price, Patterson-Schwartz, Greenville, DE
Jason Duckworth, Arcadia Land Realty LLC, Haverford, PA
James Torbert, Harrington ERA Realty, Dover, DE
Denise Carr, Keller Williams Realty, Wilmington, DE
Steven Benton, ResortQuest, Bethany Beach, DE
Charlotte Allman, Exit Realty "The TRI-STATE Group, Dover, DE
Daniel Villarreal, Long & Foster Real Estate, Rehoboth Beach, DE
Shauna Sophy, Newmark Knight Frank Smith Mack, Wilmington, DE
Margaret Zitzman, Coldwell Banker Resort Realty, Lewes, DE
John Rishko, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Emily Pike, Patterson-Schwartz, Hockessin, DE
Lisa Welch, Prudential Fox & Roach Realtors, Wilmington, DE
Erika Opalecky, Keller Williams Realty, Dover, DE
Melissa Krasulja, Patterson-Schwartz, Greenville, DE
Nancy Travers, Keller Williams Realty, Wilmington, DE
Erik Bashford, Emory Hill Residential Real Estate, New Castle, DE
Robert Fredd, Keller Williams Realty, Christiana, DE

The motion passed unanimously.

Senate Bill 131

Ms. Warren was present to discuss Senate Bill 131. She stated that this proposed legislation was given to Mr. Collins yesterday and asked for input from the Commission. This Bill provides for disclosure materials and information to be distributed where additional density or bonuses have been granted by the local government. It also provides for penalties for failures to provide these materials at the discretion of the local jurisdiction. Mr. White provided an explanation of work force housing. A discussion was held about consumers knowing about such units in a development, resale value and disclosure. A motion was made by Mr. Whitfield, seconded by Mr. Brogan that the Real Estate Commission does not support Senate Bill 131 because they find it onerous and too broad in its scope. The Commission felt that they could easily add a line to reference the work force housing issue in the current disclosure form if that is the intent of the legislature and that subsection c may already be covered by DUCIOA (Delaware Uniform Common Interest Ownership Act). The motion passed unanimously.

Applications for Licensure Continued

The application of Michael Adle for a non-resident broker's license was reviewed. A motion was made by Mr. White, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

The application of Lawrence Dellegrotto for a non-resident broker's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of Kevin Barrett for a non-resident broker's license was reviewed. Mr. Barrett answered yes to the question on the application asking if a complaint has been filed or is pending against you with the Delaware Real Estate Commission or with the commission of any other state. A motion was made by Mr. Staton, seconded by Mr. Brannon to propose to deny Mr. Barrett's application since he does not meet the requirements of 24 *Delaware Code*, Section 2909(a). The motion passed unanimously.

The application of Anna Jennings for a resident broker's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Staton to approve this application. The motion passed unanimously.

New Offices

The application of R & R Commercial Realty, Inc. for a new office was reviewed. A motion was made by Mr. White, seconded by Mr. Brogan to approve this application. The motion passed unanimously.

The application of Delaware Realty Group for a new office was reviewed. A motion was made by Mr. White, seconded by Mr. Brogan to approve this application. The motion passed unanimously.

The application of Investment Property Services, LLC for a new office was reviewed. A motion was made by Mr. White, seconded by Mr. Brogan to approve this application. The motion passed unanimously.

Reinstatement of License

The application of David Johns for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Staton to approve Mr. Johns for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of James Kite for reinstatement of a non-resident broker's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve Mr. Kite for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Christopher Redefor for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve Mr. Redefor for reinstatement pending passing the national and state portions of the exam. The motion passed unanimously.

The application of Gary Whittington for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve Mr. Whittington for reinstatement. The motion passed unanimously.

Status of Complaints

Complaint No. 02-18-09 – Closed
Complaint No. 02-21-09 – Closed
Complaint No. 02-16-10 – Assigned to Mr. White
Complaint No. 02-17-10 – Assigned to Mr. Staton
Complaint No. 02-33-08 – Hearing Scheduled for the July Meeting
Complaint No. 02-27-09 – Hearing Scheduled for the July Meeting

Education Committee Report

Discussion: Annual Seminar

Mr. Tims reported that the Education Committee has been in touch with two instructors who have agreed to speak at the annual seminar. The instructors are Charlotte Herbert and Bill Ward. Ms. Herbert will speak on legislative highlights and Mr. Ward will speak on risk reduction. A discussion was held about whether to have an additional speaker or a panel discussion. A motion was made by Mr. Staton, seconded by Mr. Whitfield that for the 3 hour annual seminar to have Commission items for 30 minutes, have Ms. Herbert speak for 30 minutes, have Mr. Ward speak for 1 hour and to hold a panel discussion consisting of 4 or 5 people for 1 hour. The motion passed unanimously. Mr. White will prepare 40 questions for the panel discussion. The Commission will also ask registrants to submit a question when they return their registration form.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. Staton, seconded by Mr. White to approve and deny course providers, instructor applications and student requests as noted in the minutes of the June 3, 2010 meeting of the Real Estate Education Committee. The motion passed unanimously.

Review of Letter from Charisse Sinkler Requesting a 90-Day Extension for Taking the Exam

The Commission reviewed a letter from Charisse Sinkler requesting a 90-day extension for taking the salesperson's exam due to her workload. A motion was made by Mr. Staton, seconded by Mr. Whitfield to grant a 30-day extension. The motion passed by majority vote. Mr. White voted against the motion.

Review of Consent Agreement for Case 02-18-07 Against Thomas M. Harmon, Jr.

This was tabled until the next meeting.

Election of Officers

Mr. Staton thanked Mr. Allamong for serving as Chairman for the past year. He suggested the following slate of officers:

Chairman – Mr. White
Vice-Chairman – Mr. Staton
Secretary – Mr. Whitfield

A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve this slate of officers. The motion passed unanimously.

OLD BUSINESS

Sign Final Order from Oral Reargument Regarding Case 02-30-07 Against Joseph P. Connor, Jr.

The final order from the oral reargument regarding Case 02-30-07 against Joseph P. Connor, Jr. was signed by Commission members.

Sign Final Order from Rule to Show Cause Hearing Held on April 9, 2010 for Justin Soss

The final order from the rule to show cause hearing held on April 9, 2010 for Justin Soss was signed by Commission members.

Sign Final Order from Rule to Show Cause Hearing Held on April 9, 2010 for Donald Grimes, Jr.

The final order from the rule to show cause hearing held on April 9, 2010 for Donald Grimes, Jr. was signed by Commission members.

Sign Final Order from Rule to Show Cause Hearing Held on April 9, 2010 for Richard A. Lundregan

The final order from the rule to show cause hearing held on April 9, 2010 for Richard A. Lundregan was signed by Commission members.

Sign Final Order from Rule to Show Cause Hearing Held on April 9, 2010 for Sherry L. Heffernan

The final order from the rule to show cause hearing held on April 9, 2010 for Sherry L. Heffernan was signed by Commission members.

Discussion: Newsletter

Commission members were provided with a copy of draft articles submitted by Mr. White for the newsletter. Mr. Whitfield will write an article about the upcoming sunset review. Mr. Staton will also write an article. Mr. Allamong will put the articles in the newsletter format for review at the next meeting.

Application for Licensure

Resident Salesperson

The Commission reviewed the application for a resident salesperson's license for Ignacio Ferreiro and the letter of explanation about his criminal history. A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

There was no public comment at this meeting.

The Commission took a recess from 10:29 a.m. to 10:43 a.m.

Discussion: House Bill 320

Mr. Taylor arrived at this time to discuss House Bill 320 as amended by House Amendment Nos. 1 and 2 and Senate Amendment No. 1. This Bill requires disclosure by new home sellers of any fee obligation in the chain of title for the buyer. It also establishes that a violation of this section is enforceable as a violation of consumer law. House Amendment Nos. 1 and 2 clarifies that transactions already covered by the financial disclosures of DUCIOA are exempt from this section and directs the Real Estate Commission to modify or amend existing disclosure forms, or develop new forms as necessary, that a seller must use for disclosing financial information to the buyer. The Real Estate Commission shall have these forms completed by January 2, 2011. Senate Amendment No. 1 clarifies that transactions already covered by the financial disclosures of DUCIOA, where disclosure has either been made or is not required, are exempt from this section.

Mr. Taylor also spoke about proposed legislation concerning DUCIOA. A motion was made by Mr. Staton, seconded by Mr. Brannon that the Commission wishes to develop the real estate resale certification form under DUCIOA. The motion passed unanimously.

A discussion was held about modifying the seller disclosure forms. This will be on the agenda for the next meeting. Mr. Allamong will draft proposed changes for review.

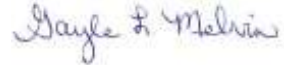
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, July 8, 2010 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Staton, seconded by Ms. O'Brien to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:00 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gayle L. Melvin". The signature is written in a cursive, flowing style.

Gayle L. Melvin
Administrative Specialist III